IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11819 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RABARI KISHA RAIYA CHHELANA

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

MR HH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/2001

ORAL JUDGEMENT

#. Challenge is made by the petitioner to the order dated 19-9-2000 of the District Magistrate, Porbandar under which he was detained as a bootlegger.

#. One of the contentions raised is that the copies of

statements of witnesses recorded in the criminal complaints No.114/2000 and 121/2000 have not been supplied to the petitioner by the detaining authority. It is further submitted that in the representation filed by the petitioner against the detention order, this grievance has also been made.

#. This factual position has not been controverted by the learned counsel for the respondents. It is a clear case where the petitioner has been denied of his right of making effective representation against the detention order as conferred upon him under Article 22(5) of the Constitution of India.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 19-9-2000 is quashed and set aside. The petitioner Rabari Kisha Raiya Chhelana, the detenu, at present in Baroda District Prison be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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